

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

RABINOWITZ, LUBETKIN & TULLY, LLC

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Proposed Counsel to Debtors in Possession

In re:

MASAHIKO NEGITA and YASUKO NEGITA,

Debtors.



Order Filed on May 24, 2023
by Clerk,
U.S. Bankruptcy Court
District of New Jersey

Case No.: 23-12365 (SLM)

Chapter 11 (Sub V)

Honorable Stacey L. Meisel

**CONSENT ORDER VACATING AUTOMATIC
STAY AS TO JIMMY RIVAS CONTINGENT UPON
LIMITING RECOVERIES TO AVAILABLE INSURANCE PROCEEDS, IF ANY**

The relief set forth on the following pages, numbered two (2) to four (4), is hereby
ORDERED.

DATED: May 24, 2023

A handwritten signature in cursive script, reading "Stacey L. Meisel".
Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Debtors: Masahiko Negita and Yasuko Negita

Case No. 23-12365 (SLM)

Caption of Order: Consent Order Vacating Automatic Stay As to Jimmy Rivas Contingent Upon Limiting Recoveries to Available Insurance Proceeds, If Any

THIS MATTER having been opened to the Court by Rabinowitz, Lubetkin & Tully, LLC, attorneys for Masahiko Negita and Yasuko Negita (the "Debtors") upon the filing of an Application for the entry of the within Consent Order vacating the automatic stay as to Jimmy Rivas contingent upon limiting recoveries to available insurance proceeds, if any; and the Court having been advised of the existence of litigation in the Superior Court of New Jersey, Bergen County, captioned *Rivas v. Negita.et al.*, Docket No. BER-L-003873-22; and the parties having agreed to the entry of a consent order granting relief from the automatic stay as to Jimmy Rivas to enable the continued prosecution of that litigation contingent upon limiting any and all recoveries against the Debtors to available insurance proceeds, if any; and counsel for the Debtors having drafted the within Consent Order to accomplish such result; and the Debtors having asserted that no detrimental impact is caused to the within bankruptcy estate from the making and entry of the within Consent Order; and other good and sufficient cause existing for the making and entry of the within Consent Order.

ORDERED that all parties to that the Superior Court of New Jersey litigation identified in the decretal paragraph above are hereby provided with relief from the automatic stay as to Jimmy Rivas only to enable the prosecution of that litigation to judgment against the Debtors, expressly dependent upon all such parties limiting their recoveries to available insurance proceeds, if any; and it is further

ORDERED that Jimmy Rivas hereby waives, releases, and discharges any and all

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Debtors: Masahiko Negita and Yasuko Negita

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potential claims he may hold directly against the Debtors' bankruptcy estate, having agreed to limit his recoveries to available insurance proceeds, if any.

[signatures to follow]

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Debtors: Masahiko Negita and Yasuko Negita

Case No. 23-12365 (SLM)

Caption of Order: Consent Order Vacating Automatic Stay As to Jimmy Rivas Contingent Upon Limiting Recoveries to Available Insurance Proceeds, If Any

ACCEPTED AND AGREED:

ROGER CHAVEZ

Counsel for plaintiff, Jimmy Rivas

/s/ Roger Chavez
Roger Chavez, Esq.

RABINOWITZ, LUBETKIN & TULLY, LLC

Counsel for the Debtors in Possession

/s/ Barry J. Roy
Barry J. Roy, Esq.